

WARRANT  
THE COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING

Norfolk, ss

To Any Constable of the Town of Brookline,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the Inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections and the Town Meeting Members qualified to vote at Town Meetings, to meet at the High School Auditorium in said Brookline on TUESDAY, the EIGHTEENTH day of NOVEMBER, 2003, at 7:00 o'clock in the evening for the Special Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

**ARTICLE 1**

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of the previous years, which may be legally unenforceable due to the insufficiency of the appropriations therefore, and appropriate from available funds, a sum or sums of money therefore, or act on anything relative thereto.

**ARTICLE 2**

To see if the Town will raise and appropriate, or appropriate from available funds, a sum or sums of money to fund the FY2004 cost items in collective bargaining agreements between the Town and various employee unions; fund wage and salary increases for employees not included in the collective bargaining agreements; and amend the Classification and Pay Plans of the Town; or act on anything relative thereto.

**ARTICLE 3**

To see if the Town will authorize and empower the Board of Selectmen to file a petition, in substantially the following form, with the General Court:

AN ACT AUTHORIZING THE TRANSFER OF THE FORMER FISHER HILL  
RESERVOIR IN THE TOWN OF BROOKLINE.

**SECTION 1.** The commissioner of the division of capital asset management and maintenance (the commissioner) may, notwithstanding the provisions of sections 40E to

40H, inclusive, of chapter 7 of the General Laws, convey by deed a certain parcel of land in the town of Brookline to the town of Brookline. The parcel, known as the “former Fisher Hill Reservoir” is located on the southwest side of Fisher Avenue. The boundaries of the parcel shall be established by a survey commissioned by the commissioner.

**SECTION 2.** The parcel is currently open space and after conveyance, the parcel shall be used for open space or active or passive recreation purposes.

**SECTION 3.** The sale price paid by the town of Brookline for the parcel described in section 1 shall be not less than the full and fair market value of the parcel determined by the commissioner based on an independent appraisal and based on its use as described in this act. The inspector general shall review and approve the appraisal and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall have thirty days to prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance for submission within fifteen days thereafter to the house and senate committees on ways and means and to the joint committee on state administration.

**SECTION 4.** The town of Brookline shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the parcel. Upon completion of the transfer of the parcel, the town shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the parcel. In the event the parcel ceases at any time to be substantially used for the purposes set forth in section 2 or for municipal use, the commissioner shall give written notice to the town of the unauthorized use. The town shall upon receipt of the notice have thirty days to respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter established, the title to the parcel shall, upon the recording of a notice thereof by the commissioner in the appropriate registry of deeds, revert to the commonwealth with the parcel to be under the care and control of the division of capital asset management and maintenance. Any further disposition of the parcel shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws.

**SECTION 5.** The sale price paid under section 3 shall be deposited in the General Fund of the commonwealth.

**SECTION 6.** This act shall take effect upon its passage.

or act on anything relative thereto.

#### **ARTICLE 4**

To see if the Town will authorize and approve the Board of Selectmen to file a petition, in substantially the following form, with the General Court:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO FIX  
REASONABLE FEES FOR PERMITS GRANTED BY THE CHIEF OF ITS  
FIRE DEPARTMENT

Be It Enacted, etc., as follows:

Section 1. Notwithstanding the provisions of any general or special law to the contrary, the chief of the fire department in the town of Brookline may, with the approval of the board of selectmen, establish reasonable fees to be charged for permits granted under section 10A in general laws, chapter 148, in excess of those authorized in section 10A.

Section 2. This act shall take effect upon its passage.

or act on anything relative thereto.

#### **ARTICLE 5**

To see if the town will authorize and approve the filing of a petition, by the Board of Selectmen, with the General Court in substantially the following form:

AN ACT AUTHORIZING THE TREASURER OF THE TOWN OF  
BROOKLINE TO INVEST THE TRUST FUNDS OF SAID TOWN IN  
ACCORDANCE WITH THE PRUDENT MAN RULE

Be It Enacted, etc., as follows:

Section 1. Notwithstanding any general or special law to the contrary, the treasurer of the town of Brookline is hereby authorized to invest the funds of said town in the custody of the treasurer in accordance with the Prudent Man Rule.

Section 2. Section 54 in general laws, chapter 44, shall not apply to the town of Brookline.

Section 3. This act shall take effect upon its passage.

or act on anything relative thereto.

#### **ARTICLE 6**

To see if the Town will authorize and approve the filing of a petition with the General Court to grant Town Meeting the authority to approve the issuance of pension obligation bonds for the purpose of funding the unfunded pension liability of the town's retirement system, or act on anything relative thereto.

#### **ARTICLE 7**

To see if the Town will accept the provisions of General Laws, Chapter 60, Section 2, that allows the assessors to abate an unpaid tax of less than ten (\$10.00) dollars upon the request of the Collector and provides that if the actual tax due is less than ten (\$10.00) dollars it shall not be collected, or act on anything relative thereto.

## **ARTICLE 8**

To see if the Town will authorize and empower the Board of Selectmen to file a petition, in substantially the following form, with the General Court:

AN ACT AMENDING CHAPTER 534 OF THE ACTS OF 1973 RELATIVE TO THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE TOWN OF BROOKLINE.

Be It Enacted, etc., as follows:

Section 1. The first, second and third sentences in SECTION 5 in Chapter 534 of the Acts of 1973, are hereby deleted and replaced with the following:

SECTION 5. The board of selectmen shall appoint a chief of the fire department for a term of one year, unless a different term is otherwise determined in an employment contract established under the provisions of Section 108O in chapter 41 of the general laws.

Section 2. This act shall take effect upon its passage.

or act on anything relative thereto.

## **ARTICLE 9**

To see if the town will amend the Zoning By-Law as follows:

- A. In ARTICLE IV USE REGULATIONS add §4.11 – LAND DISTURBING ACTIVITIES AND STORMWATER MANAGEMENT as follows:

### **§4.11 – LAND DISTURBING ACTIVITIES AND STORMWATER MANAGEMENT**

Land disturbing activities and stormwater management are controlled by the By-Laws of the Town of Brookline, Article 8.25 Stormwater Management, and administered and enforced by the Department of Public Works. See Town By-Law subsections 8.25.1 Discharges to the Municipal Drain System, 8.25.2 Erosion and Sediment Control, and 8.25.3 Post Construction Stormwater Management for these specific regulations.

- B. In ARTICLE V DIMENSIONAL REQUIREMENTS, §5.09 DESIGN REVIEW, paragraph 4. Community and Environmental Impact and Design Standards, subparagraph e. Surface Water Drainage add the following words as underlined and in bold type at the end:

e. Surface Water Drainage - ....and will not create puddles in the paved areas.  
**See By-Laws of the Town of Brookline, Article 8.25 Stormwater Management.**

or act on anything relative thereto.

## **ARTICLE 10**

To see if the Town will amend the Zoning By-Law as follows:

In ARTICLE IV, USE REGULATIONS, amend the Table of Use Regulations, by adding the following words, underlined and in bold type, as part of Principal Use 38C, so that Principal Use 38C reads as follows:

- 38C. Open-air use, other than commercial recreation facilities, **seasonal outdoor seating for a licensed Food Vendor that does not exceed six months in each calendar year**, and Uses 22 to 28 inclusive, including but not limited to the sale of flowers, garden supplies, or agricultural produce.

or act on anything relative thereto.

## **ARTICLE 11**

To see if the Town will amend Section 8.10.8 Use of Sidewalks, in Article 8.10 Food Vendors License, in the By-Laws of the Town of Brookline, by inserting the following words, underlined and in bold type, so that SECTION 8.10.8, as amended, reads as follows:

### **SECTION 8.10.8 USE OF SIDEWALKS AND OUTDOOR PREMISES**

The Board of Selectmen may, upon written application by a licensed Food Vendor, after notice and hearing, grant, upon such terms and conditions as they determine to be necessary and desirable, **that** Licensed Food Vendor the right to use **the outdoor portion of the licensed premises and/or** a portion of a town sidewalk that is contiguous to the licensed premises for outdoor seating for Patrons. **Prior to such a grant, the Board of Selectmen shall seek advisory reports from the Planning Board, Building Commissioner, Police Department and Commissioner of Public Works.** No such grant shall be for more than six months in any license year. No such grant shall extend beyond the term of the license. Any right granted hereunder shall be subject to revocation if the exercise of the grant interferes with public safety and convenience.

or act on anything relative thereto.

## **ARTICLE 12**

To see if the Town will amend the Zoning By-Law as follows:

- A. Amend ARTICLE VII SIGNS, ILLUMINATION, & REGULATED FAÇADE ALTERATIONS, §7.00 – SIGNS IN ALL DISTRICTS, paragraph 1. c. by adding the following words as underlined and in bold type:

### **§7.00 – SIGNS IN ALL DISTRICTS**

1. c. No sign or other advertising device attached to a building shall project above the roof or parapet line nor more than 12 inches out from the

wall to which it is attached. **However, a banner type sign, composed of fabric or similar material, may project more than 12 inches out from the wall to which it is attached subject to the approval of the Planning Board.**

- B. Amend ARTICLE VII SIGNS, ILLUMINATION, & REGULATED FAÇADE ALTERATIONS, §7.00 – SIGNS IN ALL DISTRICTS, paragraph 1. f. by deleting the words in [] and in bold as follows:

1. f. Signs, whether temporary or permanent, on the exterior of buildings shall be made of substantial materials. **[Should a sign of fabric or plastic be desired, a]** A special permit of the Board of Appeals shall be required to determine the appropriateness to the building of any flags [, **banners**], streamers, and balloons etc. used for sign purposes. National, state and Town flags are exempted from this provision. The Building Commissioner may approve temporary banners for public events.

or act on anything relative thereto.

### **ARTICLE 13**

To see if the Town will amend the Zoning By-Law as follows:

- A. In §4.07 Table of Use Regulations, Principal Use 6, replace last sentence of footnote “Not permitted below second floor in G-1.75 (CC) District.” with “In G districts, the ground floor of a building must have no more than 40% of its frontage along a street devoted to residential use, including associated parking or lobby use.”

or act on anything relative thereto.

### **ARTICLE 14**

To see if the Town will amend the Zoning By-Law as follows:

- A. Modify ARTICLE IV USE REGULATIONS, §4.07- TABLE OF USE REGULATIONS, Principal Use #33, to read:

		Residence				Business			Industry
		S	SC	T	M	L	G	O	I
33.	Stores <b>not exceeding 10,000 square feet of gross floor</b> area serving the general retail needs of a major part of the Town, including but not limited to general merchandise department store, furniture and household goods.	No	No	No	No	No	Yes	No	No

- B. Add to ARTICLE IV USE REGULATIONS, §4.07- TABLE OF USE REGULATIONS, Principal Use #33A, to read:

	Residence				Business			Industry
	S	SC	T	M	L	G	O	I
33A. Stores over <b>10,000 square feet of gross floor area</b> serving the general retail needs of a major part of the Town, including but not limited to general merchandise department store, furniture and household goods.	No	No	No	No	No	SP*	No	SP

\* supermarket (grocery store) over 10,000 sq. ft. is an allowed use in a G district.

or act on anything relative thereto.

## **ARTICLE 15**

To see if the Town will amend the Zoning By-Law as follows:

- A. Amend ARTICLE V DIMENSIONAL REQUIREMENTS, §5.09 - DESIGN REVIEW, paragraph 4. Community and Environmental Impact and Design Standards, d. Circulation, by adding the following words in bold letters and underlined:

d. Circulation- With respect to vehicular, **bicycle** and pedestrian circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, **demand for and availability of bicycle parking and storage facilities**, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

- B. Amend ARTICLE V DIMENSIONAL REQUIREMENTS, §5.09 - DESIGN REVIEW, paragraph 3. Procedure, c. All 5.09 Projects, 6) Transportation Studies, by adding the following words in bold letters and underlined:

6) Transportation Studies - Certain projects, which due to their size, use characteristics or location, may have a significant impact on traffic and may require the preparation of transportation studies. The following

development threshold levels indicate the nature of studies required. However, additional studies may be required for projects of any size which the Transportation Director or the Planning Director consider may have substantial environmental effects on the community. Any required transportation studies must be prepared in accordance with the Transportation Access Plan Guidelines issued by the Transportation Department. **An Access Plan should include a transportation impact analysis and, as warranted, a proposed package of mitigation measures. Impact mitigation measures may include, but should not be limited to: construction management; traffic mitigation and encouragement of transit use; parking management; transit improvements; number and location of bicycle parking and storage facilities; parking and access for delivery and service vehicles; pedestrian amenities; and capital improvements.**

or act on anything relative thereto.

## **ARTICLE 16**

To see if the town will amend the Zoning By-law by deleting Section 6.05 Bicycle Space and Design Regulations, and by replacing it with the following:

### **§6.05 - BICYCLE SPACE AND DESIGN REGULATIONS**

1. Purpose - The purpose of Section 6.05 is to provide adequate and safe facilities for the short and long term storage of bicycles.
2. Applicability - The provisions of Section 6.05 shall apply to all new development, changes of use or occupancy of existing buildings and any expansion of an existing building which requires a permit. Except as otherwise provided herein, bicycle parking shall be provided at all buildings containing four (4) or more dwelling units and at all non-owner occupied buildings containing two (2) or more dwelling units; at all buildings in commercial and industrial zoning districts; at all churches and schools; at all automobile parking structures; at all buildings containing any institutional uses; and at planned park and ride lots and major transit stops.
3. Exemptions - No bicycle parking spaces shall be required for the following uses:
  - a. Single-family buildings and owner occupied two and three family residences.
  - b. Seasonal uses, such as Holiday retail and tree sales.
4. Design and Maintenance of Bicycle Parking Facilities
  - a. Accessory off-street parking for bicycles shall be located in highly visible, well-lighted areas, to minimize theft and vandalism, and protected from the weather when feasible.



- b. Bicycle parking facilities (hereinafter referred to as Facilities) shall be sited so they do not impede pedestrian or vehicular traffic and circulation. They should be incorporated whenever possible into building design or street furniture.
- c. The Facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user. Such structures shall be securely anchored to the ground, a foundation, or a building or structure to prevent them from being easily removed and be of sufficient strength to resist vandalism and theft.
- d. Facilities that require a user-supplied locking device shall be designed to accommodate steel frame U-shaped locking devices and shall be permanently anchored to a foundation to which a bicycle frame and at least one wheel may be conveniently secured.
- e. The separation of the bicycle parking spaces and the amount of corridor space shall be adequate for convenient access to every space in the Facility.
- f. Any bicycle parking space within a structure to be used for motorized bicycles shall be subject to regulations pertaining to interior storage of gasoline.
- g. [T]he surfacing of bicycle parking facilities shall be designed and maintained to be mud and dust free when the facility is on an unpaved surface.
- h. Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner, within a 500' radius of the site, to meet the combined requirements for each use. Town bicycle parking facilities may be used as the basis for a shared bicycle parking facility.
- i. A bicycle parking post<sup>1</sup> shall be established at the entrance of any office and non-retail commercial facility for the temporary use of messengers, couriers, and delivery people.

## 5. Variations to Requirements

- a. Substitution of car parking with bicycle parking. New and existing developments may, when authorized by a Special Permit, convert up to 10 percent of the required automobile parking spaces to additional bicycle parking, as long as the spaces are conveniently located near an entrance. Converted parking spaces must yield a minimum of six bicycle parking spaces on each automobile space. Upon conversion, any residual land area may be utilized for other purposes.
- b. The requirements of this Section 6.05 may be modified by the Zoning Board of Appeals, by Special Permit, (1) if the proposed modification adequately addresses the purposes and requirements of this section; (2) if there is a showing why the requirements cannot or should not be met; and (3) if the Transportation Board

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<sup>1</sup> Bicycle parking post should be similar to the CycLoops Bike Rack (#2172-P-S)

recommends the modification and states how the modification serves the purpose of this Section 6.05 and meets the criteria of the town's transportation policy.

## 6. Circulation

With respect to vehicular (including bicycle) and pedestrian circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to the location and number of access points to the public streets (particularly in relation to existing traffic control and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian, bicycle and vehicular traffic, and the provision of adequate operating areas for bicycles so that adequate and safe vehicular, bicycle and pedestrian traffic operation and flow can be established and preserved.

## 7. Location of Bicycle Parking Facilities

All parking spaces required by Section 6.05 shall be located on the same zoning lot as the use served except that parking facilities may, by Special Permit, be located on land other than the zoning lot on which the building or use served is located, provided that such off-site bicycle parking facilities shall be located in a clearly designated, safe and convenient location. The design and location of such facility shall be harmonious with the surrounding environment. The facility location shall be at least as convenient as the majority of auto parking spaces and should provide a balance of appropriate short term and long term spaces.

## 8. Bicycle Parking Spaces Required

Bicycle parking spaces shall be provided in accordance with the following Table of Bicycle Parking Space Requirements:

<b>Table 6.05, Bicycle Parking Space Requirements</b>		
<b>Use</b>	<b>Amount Required</b>	<b>Minimum*</b>
Multifamily Residential (4 units or more)	0.5 for each unit plus 1 for each 10 employees	2
Hotels	1 for each 20 employees plus 1 for each 20 guest rooms	6
Colleges/Universities/Jr/Sr	1 for each 10	10
Nursery/Elementary schools	1 for each 10	10
Public Assembly, Recreation etc.	1 for each 10 employees plus 1 for each	6
Hospital, Life Care facility, Convalescent Home, Nursing	1 for each 10 employees plus 1 for each 20 beds	6
Other Institutional	1 for each 2,000 sq. ft. of bldg.	6
Passive Recreational	1 for each 5,000 sq. ft. of land	2
Active Recreational	1 for each 2,000 sq. ft. of land	6
Retail Commercial	1 for each 1,000 sq. ft. of bldg.	2
Office and Non-Retail Commercial	1 for each 2,000 sq. ft. of bldg.	2
Industrial	1 for each 5,000 sq. ft. of bldg.	2
Other Uses	1 for each 2,000 sq. ft. of bldg. area	2

\*Minimums are for each building or structure. For sites without a building, the minimum applies to the use of that site.

or act on anything relative thereto.

## **ARTICLE 17**

To see if the Town will amend the Zoning By-Law as follows:

- I. With respect to the Village Square General Business District G-2.0 (VS):
  - A. In TABLE 5.01, TABLE OF DIMENSIONAL REQUIREMENTS referenced in SECTIONS 5.00 DISTRICT REGULATIONS of ARTICLE V – DIMENSIONAL REQUIREMENTS, by adding a footnote 17 for the G-2.0 District to read as follows:
 

“17. In the G-2.0 (VS) District, the following dimensional requirements are allowed subject to the provisions of paragraph 4 of § 5.06: floor area ratio maximum of 4.0; and height maximum of 135 feet.
  - B. In ARTICLE V - DIMENSIONAL REQUIREMENTS, by adding a new paragraph 4 to SECTION 5.06, to read as follows:
    4. Village Square General Business District G-2.0 (VS)
      - a. All applications in the G-2.0 (VS) District shall be subject to review by the Planning Board in accordance with § 5.09, Design Review, but notwithstanding the provisions of § 5.09, no special permit shall be required under § 5.09 for a project located wholly within the G-2.0 (VS) District. The Preservation Commission,

Transportation Board, and any other interested Town body may submit an advisory report to the Planning Board for its consideration.

- b. For such applications, the maximum height shall not exceed 135 feet and the maximum gross floor area ratio shall not exceed 4.0, provided that the following conditions are satisfied:
  - 1) no less than 20% of the Lot Area shall be devoted to landscaped open space or usable open space.
  - 2) no less than 60% of the parking spaces required by §6.02, as affected by paragraph 4.c of this § 5.06, shall be provided completely below grade.
  - 3) no less than 25% of the parking spaces required by §6.02, as affected by paragraph 4.c of this § 5.06, shall be offered to residents for overnight parking.
  - 4) no less than 1% of the hard construction cost of constructing the Building on the Lot (exclusive of tenant fit-up) shall be devoted to making off-site streetscape improvements (such as, but not limited to, lighting, street furniture and widening sidewalks) and undertaking transportation mitigation measures. A plan of the proposed off-site streetscape improvements and a description of the proposed transportation mitigation measures shall be submitted to the Planning Director or his/her designee for review by the Planning Board in accordance with §5.09.
  - 5) The owner of the Lot shall deliver to the Town of Brookline a recordable instrument benefiting the Town of Brookline which provides that the owner of the Lot, its successors or assigns, shall continue to pay property taxes or an equivalent amount in lieu of taxes with respect to the Lot and the improvements thereon, or another agreement providing for payment of an equivalent amount to the Town of Brookline, in either case, to the satisfaction of Town Counsel and the Board of Assessors.
- c. Notwithstanding the provisions of §6.02, in light of the proximity of the G-2.0 (VS) District to Mass Transit, the number of parking spaces which must be provided on a Lot located wholly within the G-2.0 (VS) District shall be reduced by 18% from the requirements set forth in §6.02, provided that the conditions set forth in paragraph 4.b above are satisfied, and provided further that the owner or operator of the building subsidizes monthly transit passes for those working on the Lot and provides other means to encourage the use of mass transit and car pooling.
- d. Except as specifically set forth herein, nothing stated herein shall affect the application of the other provisions of this Zoning By-Law, including, without limitation, §5.21 and §5.32, to the G-2.0 (VS) District.

- C. In ARTICLE VI – VEHICULAR SERVICE USES REQUIREMENTS, by adding in SECTION 6.02 – TABLE OF OFF-STREET PARKING SPACE REQUIREMENTS, a footnote designated “\*\*\*\*\*” after “General” in the column entitled “RETAIL & OFFICE” to read as follows:

“\*\*\*\*\* In accordance with paragraph 4.c of § 5.06, a project in the G-2.0 (VS) District shall receive an 18% reduction from the requirements set forth herein provided that the conditions set forth in paragraph 4.c are satisfied.”

- II. With respect to Section 4.07 – Table of Use Regulations:

In ARTICLE IV – USE REGULATIONS, by replacing the text of Principle Use 36A in SECTION 4.07 – TABLE OF USE REGULATIONS with the following:

36A. Research laboratory for scientific or medical research provided the use is operated in compliance with all town, state and federal health and safety regulations and that thirty days prior to a Board of Appeals hearing and annually a report to the Fire Chief and Director of Public Health and Human Services shall be submitted detailing hazardous materials operations, processes, disposal and storage. The initial submission shall require review and comment in writing by the Fire Chief and Director of Public Health and Human Services to the Board of Appeals prior to its hearing.

or act on anything relative thereto.

#### **ARTICLE 18**

To see if the Town will:

- A. Adopt a higher maximum qualifying gross receipts amount of forty thousand dollars, for the purposes of the elderly exemption in General Laws, Chapter 59, Section 5, Clause 41A;
- B. Accept the provisions of General Laws, Chapter 59, Section 5, Clause 17E, that allows annual adjustments, equal to increases in the consumer price index, for clause 17, 17C, 17C1/2 and 17D exemptions;
- C. Accept the provisions of General Laws, Chapter 59, Section 5, Clause 41D, that provides annual adjustments, equal to increases in the consumer price index for the gross receipts and whole estate limitations set forth in Clause 41, 41B and 41C exemptions;

or act on anything relative thereto.

#### **ARTICLE 19**

To see if the town will abolish the refuse fee, for both commercial and residential refuse collection, first instituted in FY 1989, on a date specified by Town Meeting, or act on anything relative thereto.

#### **ARTICLE 20**

To see if the Town will raise and appropriate \$200,000 or appropriate from available funds, a sum of money, to be expended under the direction of the Chief of the Fire

Department, with the approval of the Board of Selectmen, for the purpose of retrofitting all Brookline Fire Station apparatus bays, with a 100% encapsulation source capture emergency vehicle exhaust fume removal system, or act on anything relative thereto.

#### **ARTICLE 21**

To see if the Town will amend that portion of the Town By-Law concerning the Preservation Commission and local historic districts, Sections 5.6.3 through 5.6.10, by adding thereto Section 5.6.11 as follows:

“Section 5.6.11            Review Procedures

- (a)     Any person aggrieved by a determination of the Preservation Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, file a written request with the Commission for review by a person or persons of competence and experience in such matter, designated by the Regional Planning Agency of which the Town is a member. If the Town is not a member of a Regional Planning Agency, the Commonwealth’s Department of Community Affairs shall select the appropriate Regional Planning Agency.
- (b)     The Preservation Commission shall, promptly following the filing of a determination by the Preservation Commission with the Town Clerk, notify in writing the applicant and all persons notified by the Commission with respect to the applicant’s application of the filing of such determination, such notice to include review procedures pursuant to this By-Law and G.L. Chapter 40C available to a person who may be aggrieved by such determination.”

or act on anything relative thereto.

#### **ARTICLE 22**

To see if the Town will amend the By-Laws of the Town of Brookline by adding to the end of SECTION 4.2.9, SELECTMEN’S REPORT, the following additional sentence:

It shall also contain an accounting of the townwide traffic calming program, including (a) the manner of expenditures of prior years’ appropriations; and (b) the current status of each pending request and project.

or act on anything relative thereto.

#### **ARTICLE 23**

To see if the town will amend the By-Laws of the Town of Brookline by renumbering Articles 8.17 through 8.24, inclusive, to Articles 8.18 through 8.25, inclusive, and by adopting a new Article 8.17, to read as follows:

##### **ARTICLE 8.17            FOCUSED RESIDENCE PICKETING**

It is unlawful for any person to engage in picketing focused on, and taking place in front of, a particular residence in the town of Brookline. Focused picketing taking place solely in front of a particular residence is prohibited.

or act on anything relative thereto.

#### **ARTICLE 24**

To see if the town will request the Preservation Commission to write a Local Historic District designation for the historically and architecturally significant site located at 158 Pleasant St. and 207 Freeman St., for consideration by Town Meeting, or act on anything relative thereto.

#### **ARTICLE 25**

To see if the Town will adopt the following resolution:

Section 1: Town Meeting recommends that former Selectmen and members of their immediate family not appear personally before any boards, commissions, committees, departments, and divisions of the town as agent or attorney for anyone other than the town in connection with any particular matter in which the town is a party or has a direct and substantial interest and which include members who were appointed during their service on the Board of Selectmen.

Section 2: Candidates for Selectman shall be given an opportunity to publicly commit to the recommendation in Section 1 or to decline ever acting as agent or attorney in the future as described above if they become former Selectmen. At the time that a person files for elective office he or she shall be provided with a form prepared by the Town Clerk. Said form will request a response of the candidates to this voluntary condition. Said form shall also inquire which boards, commissions, and committees candidates are interested in appearing before after they leave office. Said form shall be returned to the Town Clerk within two weeks of the final filing date for office. In the event a candidate fails to return the form to the Town Clerk, said refusal shall constitute a refusal to provide the requested information.

Section 3: Within three weeks from the final filing date for office, the Town Clerk shall make public, by posting an announcement on the Town Clerk's official bulletin board, those candidates, their prior responses on said forms, boards, commissions, and committees of interest, and those candidates who have not responded to the request for this information.

Section 4: If a former Selectman acts as agent or attorney as described above in conflict with his or her publicly declared position on said form, or if he or she appears before a board, commission, or committee that is not mentioned on said form, the Town Clerk shall note such events and the prior responses on said form by posting an announcement on the Town Clerk's official bulletin board.

or act on anything relative thereto

#### **ARTICLE 26**

To see if the Town will adopt the following resolution:

Section 1: The acceptance or receipt by any member of the Board of Selectmen or School Committee or anyone in his or her immediate family, or an organization formed to support the candidacy of that member, of any thing of value in excess of one-hundred dollars (\$100) from any person, organization, or agent of such person or organization, shall create a conflict of interest with regard to that member's debate and vote on any issue or matter coming before the Board of Selectmen or School Committee involving the contributing person, organization, or agent, unless such interests are merely incidental to an issue or question involving the common public good.

Section 2: Candidates for Selectman and School Committee shall be given an opportunity to publicly commit to avoiding such conflicts of interest. At the time that a person files as a candidate for the Board of Selectman or School Committee, he or she shall be provided with a form prepared by the Town Clerk (example enclosed).

Section 3: Should a conflict of interest arise for any member of the Board of Selectmen or School Committee under Section 1, said form will inquire of each candidate, if elected, whether he or she is voluntarily willing to (a) state the grounds for the conflict of interest on the record immediately prior to the Board of Selectmen's or School Committee's debate and vote, (b) withdraw from debate on the issue, and (c) abstain from voting on the matter, notwithstanding any duty to vote provided for elsewhere in the Town bylaws, except as stated in Section 4.

Section 4: In the event a quorum cannot be obtained for any issue or matter to be acted on by the Board of Selectmen or School Committee because of abstentions pursuant to Section 3, any abstaining member of the Board of Selectmen or School Committee may vote as long as the abstaining members have disclosed the nature and the monetary amount of the conflicting interest, and such other information as may be necessary to describe the interest.

Section 5: Any member of the Board of Selectmen or School Committee may question the existence of a conflict of interest for another member pursuant to Section 1 prior to the Board of Selectmen's or School Committee's vote, but not thereafter. In the event such question is raised, the question shall be decided by the Board of Selectmen or the School Committee.

Section 6: For purposes of Section 1, the following terms shall be defined as:

(a) "Thing of value" means money, employment, goods, services, or objects with any intrinsic value, including but not limited to, campaign contributions, loans, offsets to expenditures, contributions in kind, and independent expenditures by any person or organization on behalf of the candidacy of a member of the Board of Selectmen or School Committee, provided that such thing of value was received during the member's current term of office or anytime within one year prior to the commencement of the member's current term of office.

(b) "Immediate family" means the spouse, partner, children, and the spouse of any child of any member or candidate for membership on the Board of Selectmen or School Committee.



or act on anything relative thereto

## **ARTICLE 27**

To see if the Town will adopt the following resolution:

Section 1: Candidates for Selectman shall be given an opportunity to publicly commit to spending and contribution limits. At the time that a person files as a candidate for Selectman, he or she shall be provided with a form prepared by the Town Clerk (example enclosed).

Section 2: Said form will inquire of each candidate whether he or she is voluntarily willing to (a) limit total campaign spending to \$15,000\* or less; (b) limit total campaign donations from any one donor to \$100\* or less; (c) limit contributions or contributions in kind from himself or herself to \$4000\* or less; (d) limit donations from outside Brookline to \$2000\* or less; (e) return donations over \$200 if donors do not provide their occupation and employer; (f) refuse donations from agents, real estate interests, political action committees (PACs), other selectman campaigns, and other entities which face a substantial likelihood of having matters under consideration by the Town during the upcoming three years; and (g) agree to participate in all public debates sponsored by a neutral group prior to the election.

\* or other limit as voted by Town Meeting

Section 3: Limits shall be indexed and published biennially for inflation, not later than December thirty-first of each odd numbered year, using the federal consumer price index for the Boston statistical area. Individual donation limits shall apply to all contributions in kind, whether made directly to a candidate or authorized political committee or indirectly via earmarked gifts passed through an intermediary, except that this limitation shall not apply to the value of volunteer services by individuals on behalf of a candidate or a political committee. Candidates may agree to any or all voluntary conditions.

Section 4: Said form shall be returned to the Town Clerk within two weeks of the final filing date for office. In the event a candidate fails to return the form to the Town Clerk, said refusal shall constitute a refusal to abide by any of the above voluntary conditions. A candidate may also indicate that he or she shall agree to spend or accept less in contributions than the amounts listed above.

Section 5: Within three weeks from the final filing date for office, the Town Clerk shall make public, by posting an announcement on the Town Clerk's official bulletin board, which conditions were accepted by which candidates, and those candidates who have not accepted any voluntary conditions.

Section 6: On the 8<sup>th</sup> day preceding the general election, the Town Clerk shall post on the Town Clerk's official bulletin board the status of compliance of candidates who agreed to voluntary limits, based on the contents of candidates' pre-election campaign finance reports. The announcement shall include candidates' names, recommended (or candidates' lower) limits on said forms, and an indication of compliance or non-compliance with each voluntary condition with amounts from reports, as applicable.

Section 7: Within 35 days after the general election, the Town Clerk shall post on the Town Clerk's official bulletin board the status of compliance of candidates (as above) who agreed to voluntary limits, based on the contents of candidates' post-election campaign finance reports.

or act on anything relative thereto

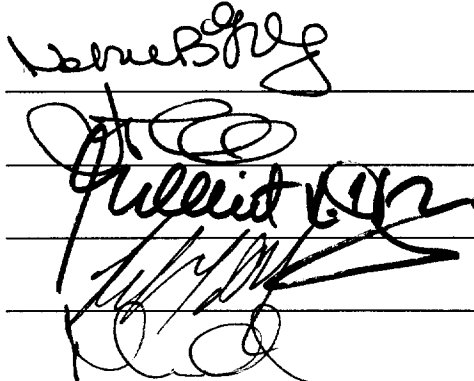
## **ARTICLE 28**

Reports of Town Officers and Committees

AND YOU ARE DIRECTED TO SERVE THIS WARRANT IN ACCORDANCE  
WITH THE BY-LAWS OF THE TOWN OF BROOKLINE.

HEREOF FAIL NOT, and make due return of this WARRANT, with your doings  
thereon, to the Selectmen FOURTEEN DAYS at least before the day of said meeting.

Given under our hands and the seal of the Town of Brookline at Brookline,  
Massachusetts, this 16<sup>TH</sup> day of September, 2003.

  
BOARD OF SELECTMEN

A TRUE COPY, ATTEST:



RICHARD J. KELLIHER  
TOWN ADMINISTRATOR

[Town Seal]